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Docket No. 275.00070101IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): HSU et al. ) Group Art Unit: 1642  
Serial No.: 10/732,782 ) Examiner: Audrey S. Pham  
Confirmation No.: 6883 )  
Filed: December 10, 2003 )  
For: CHEMOPREVENTIVE AND THERAPEUTIC ASPECTS OF POLYPHENOLIC  
COMPOSITIONS AND ASSAYS

**FACSIMILE TRANSMISSION TO THE PTO**

Commissioner for Patents  
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**RESPONSE TO RESTRICTION REQUIREMENT (2 PGS)**

X Small Entity Status is entitled to be asserted in the above-identified application.

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Muetting, Raasch & Gebhardt, P.A.  
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August 4, 2006  
Date

By: Nancy A. Johnson  
Nancy A. Johnson  
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CERTIFICATE UNDER 37 C.F.R. §1.8: The undersigned hereby certifies that this Facsimile Cover Sheet and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office addressed to the Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4 day of August, 2006, at 8:30 A.M. (Central Time).

August 4, 2006  
Date

Signature: Sandy Truchart  
Name: Sandy Truchart

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**RESPONSE TO RESTRICTION REQUIREMENT  
AND SPECIES ELECTION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the second Election/Restriction Requirement mailed July 7, 2006, Applicants elect, with traverse, Group IV (claims 2-7, 10, 11, 17, 25-26, and 33), drawn to a method of determining the therapeutic effectiveness of an agent comprising comparing the level of p57/KIP2 level in the cancer cells after contact with the agent to the p57/KIP2 level in the cancer cells prior to contact with the agent.

Applicants request reconsideration and withdrawal or modification of the restriction requirement. It is respectfully submitted that the inventions of Groups I-V can be readily evaluated in one search without placing undue burden on the Examiner. The claims of Groups I-V are all drawn to methods involving overlapping method steps; contacting cell populations with an agent, determining the p57/KIP2 level in the cells, and comparing p57/KIP2 levels between populations. Thus, all the claims are so interrelated that a search of one group of claims will reveal art to the others.

Additionally, with respect to the species election, Applicants elect, with traverse, "detecting p57/KIP2 protein;" "an oral cancer;" and "primary epidermal keratinocytes." With respect to the species elections, these elections are with traverse to the extent that it is understood

Response to Restriction Requirement and Species Election  
Serial No. 10/732,782  
Filed: December 10, 2003

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that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims. Applicants traverse on the grounds that the generic claim includes sufficiently few species that a search and examination of all the species at one time would not impose a serious burden on the Examiner.

The present Election/Restriction Requirement is the second Election/Restriction Requirement issued in the present application; issued after the mailing of a First Office Action on the Merits by the U.S. Patent and Trademark Office (January 31, 2006) and the submission of an Amendment and Response by the Applicants (April 25, 2006). Applicants express concern with the added prosecution costs and time delays associated with the issuance of such a second Election/Restriction Requirement.

Applicants reserve the right to pursue examination of any non-elected claims in continuation or divisional applications.

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number if prosecution of this application may be assisted thereby.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4 day of August, 2006, at 8:30 A.M. (Central Time).

Sandy Truehart  
Name: Sandy Truehart

August 4, 2006  
Date

NAJ/SJT

Respectfully submitted  
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